



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 5 2008

Ms. Monica J. Cash, Register No  
FCI Danbury  
Federal Correctional Institution  
Route 37  
Danbury, CT 06811

RE: MUR 5920

Dear Ms. Cash:

On August 19, 2008, the Federal Election Commission accepted the signed conciliation agreement submitted by you in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to you.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda D. Brown".

Wanda D. Brown  
Attorney

Enclosure  
Conciliation Agreement

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

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In the Matter of

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MUR 5920

Monica J. Cash

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Monica J. Cash ("Respondent") knowingly and willfully violated 2 U.S.C. § 432(b)(3) and 11 C.F.R. § 102.15.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Women's Campaign Fund ("WCF") is a multicandidate political committee within the meaning of 2 U.S.C. § 441a(a)(4).

2. Allison Thompson is the <sup>treasurer</sup> treasurer of the Women's Campaign Fund.

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3. Monica J. Cash was employed as WCF's office manager from December 2000 to January 14, 2004.

4. Cash was responsible for almost all aspects of the WCF's day-to-day operations, including tracking incoming contributions and donor information, tracking disbursements and operating expenditures, and filing financial disclosure reports with the Commission and various state election offices on behalf of WCF treasurer, <sup>Susan M. D'Alie</sup> Allison Thompson.

5. Cash was also responsible for making deposits into WCF bank accounts, cutting checks to pay vendors, and reconciling the WCF's bank records.

6. The Act prohibits commingling committee funds with "the personal funds of any individual." 2 U.S.C. § 432(b)(3).

7. The phrase knowing and willful indicates that "actions [were] taken with full knowledge of all the facts and recognition that the action is prohibited by law." 122 Cong. Rec. H 2778 (daily ed. May 3, 1976); *see also Federal Election Comm'n v. John A. Dramest for Cong. Comm.*, 640 F. Supp. 985, 987 (D.N.J. 1986) (distinguishing between "knowing" and "knowing and willful"). A knowing and willful violation may be established "by proof that the defendant acted deliberately and with knowledge" that the action was unlawful. *United States v. Hopkins*, 916 F.2d 207, 214 (5th Cir. 1990).

8. Between 2001 and 2003, Cash drafted approximately 58 checks totaling \$83,050 made payable to "Monica Cash" or "Cash" and then forged the signatures of WCF employees with signatory authority on the checks.

9. Cash then either presented the checks for cash, or deposited the checks into her personal checking account.

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10. In order to avoid detection, Cash concealed the unauthorized disbursements by deleting the transactions from the internal WCF database used to prepare disclosure reports filed with the Commission.

11. On March 16, 2007, the Department of Justice filed an indictment against Cash in the United States District Court for the District of Columbia. On August 10, 2007, Cash admitted to embezzling \$83,050 from WCF between 2001 and 2003, and entered a guilty plea to the charge of Uttering and Possessing a Forged Security, in violation of 18 U.S.C. § 513(a), and agreed to make full restitution to the WCF. Cash is currently incarcerated at the Danbury Federal Correctional Institution in Danbury, Connecticut, where she is serving an eight-month sentence, which is to be followed by eight months of home detention and thirty-six months of supervised release.

V. Respondent knowingly and willfully commingled WCF funds with personal funds, in violation of 2 U.S.C. § 432(b)(3) and 11 C.F.R. § 102.15.

VI. Respondent will take the following actions:

1. Respondent will cease and desist from violating 2 U.S.C. § 432(b)(3) and 11 C.F.R. § 102.15.

2. Respondent is prohibited from working or volunteering for federal political committees in a capacity involving the committee's finances for a period of five (5) years from the date of this Agreement.

3. Respondent Monica J. Cash, through the submission of extensive financial information to the Commission and additional representations, has indicated that financial hardship prevents her from paying any civil penalty to the Commission. The Commission regards these

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submissions and representations as material representations. Due to the mitigating circumstances presented by Respondent Cash's financial condition, the Commission agrees to depart from the civil penalty that the Commission would normally seek for the violations at issue, and the Commission agrees that no civil penalty shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a civil penalty of One Hundred Sixty-six Thousand Dollars (\$166,000) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written


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agreement shall be enforceable.

FOR THE COMMISSION:


Thomasenia P. Duncan  
General Counsel

BY:

  
Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

9/4/08  
Date

FOR THE RESPONDENT:

  
(Name) MONICA CASH  
(Position)

2-26-08  
Date

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